

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

AL BEAMER, et al.	)	CASE NO. C-1-02-013
	)	
Plaintiffs,	)	JUDGE SPIEGEL
	)	
-vs-	)	
	)	
NETCO, INC., et al.	)	<b><u>PLAINTIFF'S MOTION TO AMEND</u></b>
	)	<b><u>WITNESS LIST (APPENDIX A)</u></b>
	)	
Defendants.	)	
	)	

Attached herein is an amendment Appendix A. Plaintiff hereby moves this Court to Amend Appendix A, Plaintiff's witness list to reflect the addition of John Rosso as a witness.

/s/Richard C. Haber

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**APPENDIX A****WITNESSES FOR PLAINTIFFS/COUNTERCLAIM DEFENDANT****AS PLAINTIFFS IN CASE IN CHIEF**

Name	Address	Synopsis of Testimony
Al Beamer	15760 Carriage Hill Court Chesterfield, Missouri 63017	Mr. Beamer will testify regarding his employment with NETCO and Transcontinental. He will testify regarding his resignation from NETCO and his continued employment with Transcontinental under the terms of written contracts for employment. He will further testify regarding his separation from employment with Transcontinental following conversations with William Andrews. He will testify as to the circumstances surrounding the breach of the contract by Transcontinental and the damages he has sustained. He will further testify regarding the manner in which the Defendants perverted the litigation in NETCO v Rivera to unlawfully obtain an advantage over Al Beamer.
John Baumgart (As if upon Cross Examination)	26539 North Middleton Parkway, Mundelein, Illinois, 60060	Upon cross- examination, Mr. Baumgart will testify regarding Mr. Beamer's role with NETCO, his resignation following contract negotiations, his knowledge of Mr. Beamer's employment with Transcontinental, his conversations with Al Beamer at Mr. Beamer's deposition, in Cincinnati and the fact that he is unaware of any evidence to support the counterclaims of the Defendant.
William Andrews (as if upon cross examination)	848 Foxdale, Winnetka, Illinois	Upon cross-examination, Mr. Andrews will testify regarding his role as general counsel for NETCO, his supervision of the NETCO v Rivera litigation, his conversations with Al Beamer as a representative of NETCO and John Baumgart.
William Baumgart (as if upon cross examination as a hostile witness)	3010 Oakmont Drive, Clearwater, Florida, 33761	William Baumgart, as the brother of Defendant John Baumgart, will be called as a hostile witness. He will testify regarding the circumstances surrounding Mr. Beamer's employment, the termination of his employment and the amount of revenue earned by his company which bears upon the

		damages sustained by Mr. Beamer.
Frank Skryd	5550 Oakridge Drive, Palm Harbor, Florida, 34685	Mr. Skryd will testify as to Mr. Beamer's role with Transcontinental, the companies purchase and sale of an Ohio Title Company and the fact that no reason was ever offered for the termination of Mr. Beamer.
Ian Gorman	3168 Valemoor Drive, Palm Harbor 34685	Mr. Gorman will testify as to Mr. Beamer's role with Transcontinental, the companies purchase and sale of an Ohio Title Company and the fact that no reason was ever offered for the termination of Mr. Beamer.
Mark Fitch	3752 Edwards Road, Cincinnati, OH 45209	Attorney for National Real Estate Title Agency will testify regarding the conduct of Defendants in the <i>Rivera</i> litigation and the abuse of process.
John Rosso	10541 Green Springs Drive, Tampa, Florida 33626	Mr. Rosso will testify as to Mr. Beamer's role with Transcontinental, the companies purchase and sale of an Ohio Title Company and the fact that no reason was ever offered for the termination of Mr. Beamer.

**APPENDIX D****EXHIBITS FOR PLAINTIFFS/COUNTERCLAIM DEFENDANT****AS PLAINTIFFS IN CASE IN CHIEF**

Designation	Description	Offered	Admitted	Proffered
1	January 20, 1994 Employment Contract of Al Beamer with Equity Title/Southeast			
2	Stock Purchase Agreement for sale of Southwest Equity Title Agency, Inc. dated March 31, 1997			
3.	Hand written note from Al Beamer to William and John Baumgart re modified compensation proposal			
4	Minute Book of Equity Title Agency of Ohio, Inc.			
5	Certificate of Amendment by the Shareholders to the Articles of Incorporation of Equity Title of Ohio approved by the Secretary of State on August 13, 1996			
5	Decision of the First District Court of Appeals in <i>National Equity Title Agency, Inc. v. Rivera</i> , 147 Ohio App. 3d 246 (2001)			
6	Al Beamer employment records from Transcontinental (excluding contracts separately marked)			
7	Web page from Transcontinental Title retrieved November 23, 2003 – “About TCT”			
8.	Settlement Agreement circulated December 1999 in <i>Rivera</i> Matter			

**AS COUNTERCLAIM DEFENDANT IN COUNTERCLAIM**

Designation	Description	Offered	Admitted	Proffered
	SEE ABOVE			

**APPENDIX E****EXHIBITS FOR DEFENDANTS/COUNTERCLAIMANT**

Designation	Description	Offered	Admitted	Proffered
A	Plaintiff's Complaint filed on December 6, 2001.			
B	April 9, 1999 announcement regarding Al Beamer's resignation.			
C	January 11, 1999 memo to Al Beamer from Bill Andrews re contract.			
D	August 27, 1999 written resignation of Antonio Rivera.			
E	February 6, 1998 employment agreement between Antonia Rivera and NETCO.			
F	August 24, 1999 facsimile from Antonio Rivera to Ralph Miller with employment agreement enclosure.			
G	August 27, 1999 correspondence from Ralph A. Miller to Antonio Rivera regarding employment agreement.			
H	August 27, 1999 correspondence from William Andrews to Antonio Rivera regarding resignation and employment agreement.			
I	September 27, 1999 correspondence from William Andrews to Antonio Rivera regarding violations of employment agreement.			
J	September 27, 1999 correspondence from William Andrews to Antonio Rivera, sent via UPS.			
K	Correspondence from Al Beamer to NETCO's general counsel regarding National Real Estate Title Agency, Inc., dated December 10, 1999 per certified mail receipt.			
L	January 19, 2000 correspondence from William Andrews to Antonio Rivera and Al Beamer.			
M	October 27, 1999 National Real Estate Title Agency business plan.			
N	Articles of Incorporation of National Real Estate Title Agency, Inc., dated August 31, 1999.			
O	Preorganization and Subscription Agreement			

	for National Real Estate Title Agency dated October 21, 1999.			
P	Verified Complaint for Temporary Restraining Order, Other Injunctive Relief and Damages in the matter of NETCO v Antonio Rivera and National Real Estate Title Agency, Inc., dated November 9, 1999.			
Q	November 9, 1999 Motion for Temporary Restraining Order and Other Injunctive Relief and Memorandum in Support n the matter of NETCO v Antonio Rivera and National Real Estate Title Agency, Inc.			
R	November 10, 1999 Order Granting Temporary Restraining Order in the matter of NETCO v River and National Real Estate Title Agency, Inc.			
S	November 24, 1999 Agreed Order Extending Temporary Restraining Order in the matter of NETCO v Rivera and National Real Estate Title Agency, Inc.			
T	November 24, 1999 Plaintiff's Motion to Show Cause why Defendants Should Not be Held in Contempt of Court in the matter of NETCO v Rivera and National Real Estate Title Agency, Inc.			
U	July 31, 2000 Findings of Fact and Conclusions of Law in the matter of NETCO v Rivera and National Real Estate Title Agency, Inc.			
V	August 10, 2000 Judgment Entry Granting a Preliminary and Permanent Injunction in the matter of NETCO v Rivera and National Real Estate Title Agency, Inc.			
W	December 16, 1999 Supplemental Motion to Show Cause why Defendant Should Not be Held in Contempt of Court and for Other Sanctions in the matter of NETCO v Antonio Rivera and National Real Estate Title Agency, Inc.			
X	October 13, 2000 Summary of Brief regarding Contempt and Second Supplemental Motion Regarding Continued Contempt in the matter of NETCO v Rivera and National Real Estate Title Agency, Inc.			
Y	Judgment Entry regarding Motion for Contempt in the matter of NETCO v Rivera			

	and National Real Estate Title Agency, Inc., dated December 29, 2000.			
Z	December 7, 1999 Rescission and Mutual Release draft proposed between Al Beamer, Title Marketing Company, Inc., and Transcontinental Title Company, Inc.			
AA	Settlement Agreement between Al Beamer, Title Marketing Company, Inc., and Transcontinental Title Company, Inc.			
BB	Mutual Release between Al Beamer, Title Marketing Company and Transcontinental Title Company dated April 16, 2001.			
CC	Employment contract and software license agreement between Residential Title Services and Title Marketing Company and Al Beamer dated July 31, 2002.			
DD	May 15, 2003 employment contract between Al Beamer, Title Marketing Company and Residential Title Services, Inc.			
EE	Programming and consulting contract between Residential Title Services and Title Marketing Company dated March 24, 2001.			
FF	November 28, 2001 correspondence between William H. Baumgart and David M. Snyder regarding payment to Beamer.			

CERTIFICATE OF SERVICE

A copy of the foregoing Unopposed Motion For Extension of Deadlines was sent by ordinary U.S. Mail and the courts electronic delivery system, postage prepaid on this May 10, 2004 to:

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/s/ Richard C. Haber  
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